

1/18 1618

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HIDEKA et al. Examiner: GEMBEH, S.  
Serial No.: 10/526858 Group Art: 1618  
Filed: March 2, 2005 Docket: 08279.0829USWO  
Confirmation No.: 5428 Notice of Allow Date: N/A  
Due Date: N/A  
Title: PHARMACEUTICAL COMPOSITION AND METHOD FOR  
TREATING MALIGNANT TUMOR AND UTILIZATION THEREOF

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4 DECEMBER 2008.

By: 

Name: Heidi McCarty

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**52835**

PATENT TRADEMARK OFFICE

Sir:

The following papers are transmitted herewith:

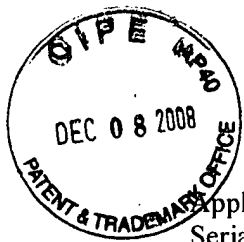
- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 5 references, copy of Supplementary European Search Report dated 20 October 2008
- ☒ Return Postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. A duplicate of this sheet is enclosed.

Hamre, Schumann, Mueller & Larson, P.C.  
P.O. Box 2902 Minneapolis, MN 55402-0902  
612.455-3800

By: 

Name: Douglas P. Mueller  
Reg. No.: 30,300  
Initials: DPM/hjm



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, VA 22313, on 4 DECEMBER 2008.

By: 

Name: Heidi McCarty

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Copies of any foreign patent documents or "Other Documents" are enclosed.

Applicants respectfully bring to the Examiner's attention that the references listed on the enclosed Form 1449 were cited in a Supplemental European Search Report dated 20 October 2008. A copy of the Search Report is enclosed herewith. Applicant advises herewith that EP 0 754 682 cited in the Search Report was submitted to the U.S. Patent and Trademark Office with the Information Disclosure Statement filed 4 May 2005.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and

- ☒ the requisite Statement is below, OR
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

## STATEMENT

Applicants hereby state that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement
- ☐ If this box is checked, Applicant provides the following:

### Certification Under 37 C.F.R. §1.704(d)

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.



### **FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 50-3478. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.

P.O. Box 2902

Minneapolis, MN 55402-0902

(612) 455-3800

Dated: 4 December 2008

By: 

Douglas P. Mueller

Reg. No. 30,300

DPM:hjm